



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE March 21, 2014 LOCAL EFFECTIVE DATE April 4, 2014 APPROX FINAL EFFECTIVE DATE April 25, 2014	CONTACT/PHONE Kerry Brown, Project Manager 781-5713	APPLICANT 7 Tracks Realty Trust	FILE NO. D010041P
SUBJECT Hearing to consider a request by 7 TRACKS REALTY TRUST for a Minor Use Permit / Coastal Development Permit to allow a new two story 5,000 square foot single family residence. The project will result in the disturbance of approximately 7,300 square feet of a 20,036 square foot parcel. The project is located at 286 San Leandro Court, in the Cabrillo Estates neighborhood, in the community of Los Osos, in the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit / Coastal Development Permit D010041P based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 6, 2014 for this project. Mitigation measures are proposed to address aesthetics, biological resources, geology and soils, public services, hazards/hazardous materials, transportation/ circulation, and water resources and are included as conditions of approval.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Plan Area, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-483-025	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Septic Tank requirements, Architectural Control Committee, Limitations of Use, Minimum Floor Area, Driveway Construction, Setbacks, and Height Limitations. <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: None <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Vacant	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/ vacant and residences <i>East:</i> Residential Single Family/ vacant <i>South:</i> Residential Single Family/ vacant <i>West:</i> Residential Single Family/ vacant and residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Los Osos Community Services District, Los Osos Community Advisory Council, and the California Coastal Commission.	
TOPOGRAPHY: Moderately sloping	VEGETATION: Coastal sage scrub species, annual grasses and weeds, ice plant and veldt grass
PROPOSED SERVICES: Water supply: Golden State Water Company Sewage Disposal: Individual septic Fire Protection: Cal Fire	ACCEPTANCE DATE: November 1, 2014

DISCUSSION

The applicant is proposing a new two story 5,000 square foot single family residence. The project will result in the disturbance of approximately 7,300 square feet of a 20,036 square foot parcel.

PLANNING AREA STANDARDS:

Residential Single Family, Highland Area – Cabrillo Estates Standards

On-Site Wastewater Disposal

New development using on-site wastewater disposal systems shall protect coastal water quality and meet the requirements of the Regional Water Quality Control Board.
The project site is located in the community of Los Osos. In 1988, the California Regional Water Quality Control Board imposed a moratorium on new sources of sewage discharge in most of the community of Los Osos. This parcel is not included within the moratorium area. The septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan and all of the requirements of the Regional Water Quality Control Board.

Architectural Control Committee

This standard states that no building permit or grading permit shall be approved until the applicant has filed with the Planning Department certification that the Architectural Control Committee for Cabrillo Estates has reviewed and approved plans and specifications.
The project complies with this standard because, as conditioned, the applicant must attain approval from the Architectural Control Committee for Cabrillo Estates before a building permit is issued unless the Architectural Control Committee does not exist anymore.

Limitations of Use

This standard specifies that uses are limited to single family dwellings, residential accessory uses, temporary dwellings, home occupations, schools pre through secondary (limited to day care centers) and water wells and impoundments.

The project complies with this standard because the applicant is proposing a single family dwelling and attached garage, both allowable uses.

Minimum Floor Area

The minimum floor area for a single family residence, excluding garages, carports, porches, patios and basements, is 1200 square feet.

The project complies with this standard because the applicant is proposing a 5,000 square foot two story single family residence with attached garage.

Driveway Construction

Each parcel shall be equipped with a concrete driveway measuring at least 9 feet in width and at least 3-1/2 inches thick extending from a concrete approach apron, built in accordance with County Standard Improvement Specifications and Drawings, to the garage door. The driveway is to be in place prior to issuance of an occupancy permit for the residence.

The project is conditioned to comply with this standard.

Setbacks

Required setbacks for single family residences are as follows: front – 25 feet; side – 5 feet; corner side – 10 feet; and rear – 20 feet.

The project meets these required setbacks.

Height Limitations

The maximum height of all buildings and structures shall be 15 feet above the highest point of the lot when measured from the highest point of the roof.

The project meets this requirement.

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Section 23.01.043 – Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the project is proposed development between the ocean and first public road (Los Osos Valley Road).

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.07.170 Environmentally Sensitive Habitats

Section 23.07.176 - Terrestrial Habitat Protection

The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

Habitat creation and enhancement. Where the project results in an unavoidable loss (i.e., temporary or permanent conversion) of habitat area, replacement habitat and/or habitat enhancements shall be provided and maintained by the project applicant. Plans for the creation of new habitat, or the enhancement of existing habitat, shall consider the recommendations of the California Coastal Commission, the California Department of Fish and Game and/or U.S. Fish and Wildlife Service. Generally, replacement habitat

must be provided at recognized ratios to successfully reestablish the habitat at its previous size, or as is deemed appropriate in the particular biologic assessment(s) for the impacted site. Replacement and/or enhanced habitat, whenever feasible, shall be of the same type as is lost ("same-kind") and within the same biome ("same-system"), and shall be permanently protected by a deed restriction or conservation easement.

This project is located within an unmapped Terrestrial Habitat and Environmentally Sensitive Habitat Area (ESHA) due to the presence of Morro shoulderband snail, a federally endangered animal. The project is an infill project. The applicant has received an Incidental Take Permit from the US Fish and Wildlife Service for impacts to Morro shoulderband snail (see attached Mitigated Negative Declaration for more information).

COASTAL PLAN POLICIES:

Terrestrial Environment

Policy 29: Protection of Terrestrial Habitat:

Designated plant and wildlife habitats are environmentally sensitive habitat areas and emphasis for protection should be placed on the entire ecological community. Only uses dependent on the resource shall be permitted within the identified sensitive habitat portion of the site.

Development adjacent to environmentally sensitive habitat areas and holdings of the State Department of Parks and Recreation shall be sited and designed to prevent impacts that would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.

The applicant has secured an Incidental Take Permit from the US Fish and Wildlife Service based on a Low-Effect Habitat Conservation Plan. The conservation plan includes measures that will be implemented to monitor, minimize and mitigate impacts to the Morro Shoulderband snail and its habitat. The project would be consistent with this policy.

Public Works:

Policy 1: Availability of Service Capacity:

New development (including divisions of land) shall demonstrate that adequate public or private service capacities are available to serve the proposed development. Priority shall be given to infilling within existing subdivided areas. Prior to permitting all new development, a finding shall be made that there are sufficient services to serve the proposed development given the already outstanding commitment to existing lots within the urban service line for which services will be needed consistent with the Resource Management System where applicable. Permitted development outside the USL shall be allowed only if:

- a. It can be serviced by adequate private on-site water and waste disposal systems; and
- b. The proposed development reflects that it is an environmentally preferable alternative.

The applicant shall assume responsibility in accordance with county ordinances or the rules and regulations of the applicable service district or other providers of services for costs of service extensions or improvements that are required as a result of the project. Lack of proper arrangements for guaranteeing service is grounds for denial of the project or reduction of the density that could otherwise be approved consistent with available resources.

The project is within the Los Osos Valley Groundwater Basin. The total basin safe yield is 3250 afy. Total basin demand is currently estimated at approximately 3,400 afy. Therefore, the demand exceeds safe yield with a current deficit of approximately 150 afy. The Board of Supervisors certified a Level of Severity III for the Basin on March 27, 2007. The proposed project is an infill project within an existing subdivided area. In order to be consistent with this policy, the applicant is required to retrofit existing water fixtures to offset their water demand by 2:1 (consistent with Title 19).

Coastal Watersheds:

Policy 7: Siting of new development:

Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent except: Existing lots of record in the Residential Single-Family category and where a residence cannot be feasibly sited on a slope less than 20 percent; When grading of an access road or driveway is necessary to provide access to an area of less than 20 percent slope where development is intended to occur, and where there is no less environmentally damaging alternative; The county may approved grading and siting of development on slopes between 20 percent and 30 percent through Minor Use Permit, or Development Plan approval, if otherwise required by the Coastal Zone Land Use Ordinance. Also in review of proposed land divisions, each new parcel shall locate the building envelope and access road on slopes of less than 20 percent. In allowing grading on slopes between 20 percent and 30 percent the county shall consider the specific characteristics of the site and surrounding area that include but are not limited to: the proximity of nearby streams or wetlands, the erosion potential and slope stability of the site, the amount of grading necessary, neighborhood drainage characteristics and measures proposed by the applicant to reduce potential erosion and sedimentation. The county may also consider approving grading on slopes between 20 percent and 30 percent where it has been demonstrated that there is no other feasible method of establishing an allowable use on the site without grading. Grading and erosion control plans shall be prepared by a registered civil engineer and accompany any request to allow grading on slopes between 20 percent and 30 percent. It shall also be demonstrated that the proposed grading is sensitive to the natural landform of the site and surrounding area. In all cases, siting of development and grading shall not occur within 100 feet of any environmentally sensitive habitat. In urban areas as defined by the Urban Services Line, grading may encroach within the 100 foot setback when locating or siting a principally permitted development, if application of the 100 foot setback renders the parcel physically unusable for the principally permitted use. Secondly, the 100 foot setback shall only be reduced to a point at which the principally permitted use, as modified as much as practical from a design standpoint, can be accomplished to no point less than the setback allowed by the planning area standard or 50 feet whichever is the greater distance.

The proposed project is consistent with this policy because the new residence will be located on slopes of less than 20 percent.

Policy 8: Timing of new construction:

Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: Los Osos Community Advisory Council: The Land Use Committee of the Los Osos Community Advisory Council (LOCAC) reviewed the proposed project. The Committee found that the project was acceptable and scheduled the project for LOCAC's consent agenda for the January 24, 2013 meeting. At the January 24, 2013 LOCAC meeting, LOCAC recommended approval.

AGENCY REVIEW:

Public Works – See attached referral.

Los Osos Community Services District – No response.

California Coastal Commission – No response.

LEGAL LOT STATUS:

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Kerry Brown and reviewed by Steve McMasters.